

IN THE MATTER OF the Resource Management Act 1991 (the 'RMA')

AND

IN THE MATTER OF Nine Notices of Requirement (NoR) for the Pukekohe Transport Network project by Te Tupu Ngātahi – Supporting Growth Alliance (Te Tupu Ngātahi)

DIRECTION OF THE HEARING PANEL

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council and Waikato District Council (the Councils) have both appointed a Hearing Panel consisting of three independent hearing commissioners – Dave Serjeant (Chair), Nigel Mark-Brown and Basil Morrison. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on the nine Notices of Requirement (NoR). It is also to deal with any procedural matters.
2. The Pukekohe Transport Network encompasses eight transport projects (with nine NoRs) for the Pukekohe, Paerata and Drury West areas. Auckland Transport has lodged six and Waka Kotahi has lodged two NoRs with Auckland Council for route protection. One of the Waka Kotahi transport projects, Mill Road and Pukekohe East Road Upgrade (NoR 8) is located within both Auckland and Waikato, so a NoR has also been lodged with the Waikato District Council. All nine NoRs will be heard together at a joint hearing between Auckland Council and Waikato District Council.

The Pukekohe Transport Network includes provision for improved walking and cycling, public transport, and general traffic connections.

The nine NoR's are:

NoR 1 - Pukekohe: Drury West Arterial - Auckland Transport

The NoR lodged by Auckland Transport is for a designation for a new transport corridor with active mode facilities in Drury West, extending south from the intersection of State Highway 22 and Jesmond Road to the edge of the Future Urban Zone near Runciman Road, Drury.

NoR 2 - Pukekohe: Drury – Pukekohe Link - Waka Kotahi NZ Transport Agency

The NoR lodged by Waka Kotahi NZ Transport Agency is for a new state highway including a shared path from Great South Road, Drury in the northeast, connecting State Highway 22 in the west, and the area in the vicinity of Sim Road/Cape Hill Road, Pukekohe in the south.

NoR 3 - Pukekohe: Paerata Connections - Auckland Transport

The NoR by Auckland Transport is for two new transport corridors including active mode facilities. One between the two extents of Sim Road, Paerata across the North Island Main Trunk Rail Line. The second between Paerata Rail Station and Sim Road, Paerata.

NoR 4 - Pukekohe: Pukekohe North-East Arterial - Auckland Transport

The NoR lodged by Auckland Transport is for a new transport corridor including active mode facilities between State Highway 22, Paerata on the north west and Pukekohe East Road, Pukekohe in the south east.

NoR 5 - Pukekohe: Pukekohe South-East Arterial - Auckland Transport

The NoR lodged by Auckland Transport is to upgrade part of Pukekohe East Road and Golding Road, and a new connection from Golding Road to Svendsen Road, Pukekohe across Station Road and the North Island Main Trunk Rail Line - including active mode facilities.

NoR 6 - Pukekohe: Pukekohe South-West Upgrade - Auckland Transport

The NoR lodged by Auckland Transport is to upgrade of specific intersections and the regrade of specific driveways on Nelson Street, Ward Street, West Street and Helvetia Road for active mode facilities.

NoR 7 - Pukekohe: Pukekohe North-West Upgrade - Auckland Transport

The NoR lodged by Auckland Transport is to upgrade Helvetia Road, Pukekohe in the south-west and a new corridor from Helvetia Road to SH22 Paerata in the north-east including active mode facilities.

NoR 8 (Auckland Council) - Pukekohe: Mill Road and Pukekohe East Road Upgrade (NoR 8) Waka Kotahi NZ Transport Agency

The NoR lodged by Waka Kotahi is for an upgrade of Mill Road (Bombay) in the east for additional vehicle lanes and a shared path and an upgrade of Pukekohe East Road, Pukekohe in the west for a shared path.

NoR 8 (Waikato District Council): Mill Road and Pukekohe East Road upgrade – Waka Kotahi NZ Transport Agency

The NoR lodged by Waka Kotahi NZ Transport Agency is to designate land for an upgrade of Mill Road (Bombay) in the east for additional vehicle lanes, a shared path and an upgrade of Pukekohe East Road, Pukekohe.

3. The NoRs have been the subject of notification and submissions have been received. The hearing is scheduled to commence on **Monday 11 March 2024**.
4. The reason for this Direction is to establish dates for the provision of reports and/or expert evidence on the nine NoRs so that the proceedings can be conducted in an efficient and effective manner and to establish expert conferencing (if required).
5. The Hearing Panel has received a memorandum from the Requiring Authority (see attached) outlining a proposed timetable that includes expert conferencing, if required.
6. The Hearing Panel directs, under sections 41B and 41C of the RMA, the following:
 - (a) The Councils officer's section 42A RMA reports are to be provided to the Hearings Advisor no later than **9am, Friday 15 December 2023** and published on Council's website by **5pm on Tuesday 19 December 2023**.
 - (b) Te Tupu Ngātahi, the Requiring Authority, is to provide their evidence to the Hearings Advisor by **midday, Wednesday 24 January 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
 - (c) Submitters are to confirm to the Hearings Advisor and Te Tupu Ngātahi whether they are calling expert evidence and the topic, name and contact details for each expert, along with suggested topics to be the subject of expert conferencing (if any) by **Wednesday 31 January 2024**.
 - (d) Submitters are to provide expert evidence to the Hearings Advisor by **midday, Friday 9 February 2024** for circulation to the Hearing Panel, the Requiring Authority and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
 - (e) Te Tupu Ngātahi, the Requiring Authority, is to provide its rebuttal evidence to the Hearings Advisor by **midday, Friday 23 February 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
 - (f) Submitters are requested to provide lay or non-expert statements/evidence to the Hearings Advisor by **midday, Friday 23 February 2024** for circulation to Hearing Panel, the Requiring Authority and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
 - (g) If, following the receipt of expert evidence there are matters still in disagreement between experts, expert conferencing can be carried out. If required, this will take

place between **Wednesday 28 February and Friday 1 March 2024**. Further details on expert conferencing are below.

- (h) Te Tupu Ngātahi, the Requiring Authority, is requested to provide its legal submissions to the Hearings Advisor by **midday, Wednesday, 6 March 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The submissions are to be placed on Council's website by 5pm that same day.

Expert conferencing (if required)

7. Clause 8AA (Resolution of Disputes) of the First Schedule of the RMA enables a process to resolve disputes between parties. Accordingly, in terms of these NoRs the Hearing Panel agrees that expert conferencing may be useful. The Hearing Panel directs that any conferencing that is undertaken is to be in accordance with the Environment Court Practice Note 2023. Those experts participating in the conferencing are to make themselves available to appear at the hearing in person if required to do so by the Hearing Panel.
8. The purpose of the conferencing is for the parties' experts to identify, discuss and potentially resolve (or not) the issues in contention between them. This may enable all parties to focus on those matters that remain in contention. It is anticipated that expert conferencing is likely to be relatively confined, only be necessary for topics where there is disagreement between experts following the exchange of expert evidence, and there is a likelihood expert conferencing will potentially narrow or resolve issues.
9. If expert conferencing is required, submitters are to confirm who their experts are, their contact details and suggest topics to be the subject of expert conferencing by **Wednesday 31 January 2024** as per paragraph 6(c) above.
10. The Hearing Panel has appointed Greg Hill as the independent facilitator. The facilitator is authorised to:
 - Act as independent facilitator;
 - In conjunction with the Council's Hearings Advisor, invite the Requiring Authority, all submitters and the Councils as regulators (in its s42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the conferencing sessions;
 - Liaise with the Requiring Authority, submitters, Councils as regulator and experts who register an interest in attending the conferencing;
 - In conjunction with the Council's Hearings Advisor and Requiring Authority, organise the sessions (including format, topics, agendas, attendance and Joint Witness Statement (JWS)/reports), times and venues – in person or on-line as appropriate; and
 - Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and progress on any JWS setting out the outcomes, including matters agreed and not agreed.

11. These sessions may be attended by experts from a mix of disciplines as considered appropriate. For example, planning experts may be invited to attend Transportation sessions and vice versa.
12. The expert conferencing will take place between **Wednesday 28 February and Friday 1 March 2024**. Further dates may be added at the facilitator's discretion. In accordance with this Direction, the detailed scheduling of sessions is delegated to the facilitator in conjunction with the Requiring Authority.
13. For each session, a JWS should be prepared identifying areas of agreement and disagreement, with the reasons for each witness's position recorded succinctly. All JWSs are to be provided to the Hearings Advisor as soon as possible.
14. While these directions cannot compel all parties to agree to take part in the expert conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they do so. The sessions will provide a degree of formality for those parties and witnesses who attend in an effort to clarify and narrow the issues in contention. This should ensure that the hearing is more efficient than if expert conferencing sessions were not held.
15. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Donovan.
16. The Hearing Panel encourages the requiring authority to engage with submitters and with the Councils to address issues of contention
17. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Donovan via bevan.donovan@aucklandcouncil.govt.nz.



Dave Serjeant (Chair)
for the Hearing Panel

30 November 2023

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE AUCKLAND COUNCIL AND WAIKATO DISTRICT COUNCIL**

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF Notices of requirement for designations by
AUCKLAND TRANSPORT and **WAKA KOTAHI NZ
TRANSPORT AGENCY**, collectively known as the
Pukekohe Transport Network

**MEMORANDUM OF COUNSEL ON BEHALF OF
AUCKLAND TRANSPORT AND WAKA KOTAHI NZ TRANSPORT AGENCY**

PUKEKOHE TRANSPORT NETWORK

Dated: 6 NOVEMBER 2023

MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of Auckland Transport (**AT**) and Waka Kotahi NZ Transport Agency (**Waka Kotahi**) in relation to the notices of requirement for designations by AT and Waka Kotahi.

Hearing timetable

2. Te Tupu Ngātahi – Supporting Growth Alliance (**Te Tupu Ngātahi**) has engaged with Auckland Council at a programme-wide level to develop an agreed programme for the notices of requirement to be heard over the next 9 months.
3. The agreed timetable with Auckland Council for the notices of requirement for the Pukekohe Transport Network is as follows:

Task	Dates
Section 42A report released	19 December 2023
Requiring Authorities' evidence due	24 January 2024
Submitters to confirm to Democracy Services and Te Tupu Ngātahi whether they are calling expert evidence and the topic, name and contact details for each expert, along with suggested topics to be the subject of expert conferencing (if any)	31 January 2024
Submitter's expert evidence due	9 February 2024
Requiring Authorities' rebuttal evidence and lay submitter evidence due	23 February 2024
Expert conferencing (if required)	28 February – 1 March 2024

Requiring Authorities' legal submissions and updated conditions due	6 March 2024
Hearing	11–21 March 2024

4. AT and Waka Kotahi respectfully request that the Panel direct the above hearing timetable.

Expert witness conferencing

5. AT and Waka Kotahi have considered whether there would be merit in directing expert witness conferencing, acknowledging that expert conferencing can be an efficient and productive way to resolve or refine unresolved issues.
6. AT and Waka Kotahi respectfully seek a direction from the Panel inviting expressions of interest from parties on topics to be the subject of expert conferencing and the names of experts to attend, to be provided on the date that submitter experts are identified (31 January 2024). This will enable sufficient time for arrangements for conferencing to be made if it is considered expert conferencing may resolve or refine unresolved issues.



6 November 2023

N J Garvan / L M Lincoln / R H Te Rito

Counsel for Auckland Transport and Waka Kotahi